

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: St Paul District
FILE NUMBER: 04-159595-DJP

REGULATORY PROJECT MANAGER: Dale J. Pfeiffle **Date:** October 25, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) **Date:** October 25, 2004
 At the project site (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin
County: Racine
Center coordinates of site by latitude & longitudinal coordinates: 42.7193462769N, 88.107987929W
Approximate size of site/property (including uplands & in acres): 100-acres
Name of waterway or watershed: Upper Fox, Illinois, Wisconsin

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): A wetland delineation report completed by a private consultant was received for review and concurrence. The delineation report identified four separate wetlands with a total surface area of 2.79 acres on the 100-acre site. Although the delineation report described a ditch within one of the wetlands, a review of aerial photography failed to identify a surface water outlet to a water of the US. The USGS quadrangle was also reviewed and indicated that the delineated wetlands are located within closed depressions.

Although a development plan was not submitted with the delineation, the land would likely be utilized for residential development. Potential impacts to the 4 wetlands are not known.